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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,598	02/14/2005	Tatsuo Itabashi	112857-425	8820
29175 7590 06/09/2008 BELI., BOYD & LLOYD, LLP P. O. BOX 1135 CHICAGO, IL 60690				
EXAMINER HARPER, LEON JONATHAN				
ART UNIT		PAPER NUMBER		
2166				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/524,598

**Applicant(s)**

ITABASHI ET AL.

**Examiner**

Leon J. Harper

**Art Unit**

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date 2/14/2005
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This office action is in response to application 10524598 filed on 2/14/2005.

Claims 1-25 are pending in this office action.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-12, 17-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. All of the listed claims comprise only means limitations with no accompanying hardware, accordingly, the listed claims do not fall within the statutory categories of invention as defined in 35 U.S.C. 101.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-25 rejected under 35 U.S.C. 103(a) as being unpatentable over US 20010047363 (hereinafter Peng) in view of US 20030061234 (hereinafter Ali).

As for claim 1 Peng discloses: communication means for performing data communication with an external apparatus (See figure 5, paragraphs 0029,0033); and updating the mobile directory information stored in the storage means based on the collected information ( See paragraph 0032).

Peng however does not disclose: storage means for storing mobile directory information including information of nearby apparatuses (See paragraphs 0019,; and control means for collecting information of accessible nearby apparatuses. Ali however does disclose: storage means for storing mobile directory information including information of nearby apparatuses; and control means for collecting information of accessible nearby apparatuses (See paragraph 0048).It would have been obvious to an artisan of ordinary skill in the pertinent art at the time the invention was made to have incorporated the teaching of Ali into the system of Peng.The modification would have been obvious because the two references are concerned with the solution to problem of information processing, therefore there is an implicit motivation to combine these references. In other words, the ordinary skilled artisan, during his/her quest for a solution to the cited problem, would look to the cited references at the time the invention was made. Consequently, the ordinary skilled artisan, would have been motivated to

combine the cited references since Ali's teaching would enable users of Peng to have included location routing in their queries.

As for claim 2 the rejection of claim 1 is incorporated and further Ali discloses: wherein the control means receives the information of the nearby apparatuses from a space directory (SDR) which stores the information of the nearby apparatuses, and updates the mobile directory information stored in the storage means (See paragraph 0005).

As for claim 3 the rejection of claim 1 is incorporated and further Ali discloses: wherein the control means receives the information of the nearby apparatuses from a space directory (SDR) which stores the information of the nearby apparatuses, while, in response to a transmission challenge from the space directory (SDR), the control means transmits encrypted data of the challenge created by its own secret key together with a public-key certificate to the space directory (See paragraph 0019).

As for claim 4 the rejection of claim 1 is incorporated and further Peng discloses: wherein the communication means performs Bluetooth wireless communication (See paragraph 0035).

As for claim 5 the rejection of claim 1 is incorporated and further Peng discloses: wherein the control means periodically collects the information of the accessible nearby apparatuses (See paragraph 0036) .

As for claim 6 the rejection of claim 1 is incorporated and further Ali discloses: wherein the control means communicates with a personal directory (PDR) which stores original data of the mobile directory information through communication relay means included in the nearby apparatuses, and registers the position of the mobile information processor in the personal directory (PDR) (See figure 3 and paragraph 0019) .

Claim 7 is a information processor claim substantially corresponding to the mobile information processor of claim 1 and is thus rejected for the same reasons as set forth in the rejection of claim 1.

As for claim 8 the rejection of claim 7 is incorporated and further Ali discloses: wherein the control means registers position information of the external apparatus (See paragraph 0008).

Claim 9 is a information processor claim substantially corresponding to the mobile information processor of claim 1 and is thus rejected for the same reasons as set forth in the rejection of claim 1.

As for claim 10 the rejection of claim 9 is incorporated and further Ali discloses: communication means for performing data communication with an external apparatus; storage means for storing information of information processors in a local area (See paragraph 0025); and control means for receiving a service request from the external apparatus through the communication means and providing a service to the external apparatus based on the information of the information processors (See paragraph 0004,0020).

As for claim 11 the rejection of claim 9 is incorporated and further Ali discloses: wherein, before transmitting the information of the information processors about nearby apparatuses stored in the storage means to the external apparatus, the control means performs authentication processing by challenge response, that is, the control means performs challenge transmission and receives encrypted data of the challenge transmission created by a secret key of the external apparatus and a public-key certificate as a response from the external apparatus (See paragraph 0019).

Claim 12 is an information processor claims substantially corresponding to the mobile information processor of claim 4 and is thus rejected for the same reasons as set forth in the rejection of claim 4.

Claims 13-25 are all either computer program, data communication method, method, or data communication system, claims substantially corresponding to claims 1-12 and are thus rejected for the same reasons as claims 1-12.



### **Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon J. Harper whose telephone number is 571-272-0759. The examiner can normally be reached on 7:30AM - 4:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*LJH*  
*Leon J. Harper*  
*June 6, 2008*

*/Mohammad Ali/*  
*Supervisory Patent Examiner, Art Unit 2169*